

Notice of Allowability

Application No.

09/832,807

Examiner

Ling-Siu Choi

Applicant(s)

PAWLISZYN ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to the Amendment filed 06/17/2004.
2. ☐ The allowed claim(s) is/are 1-7.
3. ☐ The drawings filed on 12 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Remarks filed June 17, 2004. Claims 1-7 are now pending, wherein they are drawn to an apparatus for capillary isoelectric focusing.

Allowable Subject Matter

2. Claims 1-7 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest reference: Johansson et al.

[Electrophoresis, 19, 2233-2238 (1998)], Taylor et al. [Anal. Chem. 64, 1741-1744 (1992)], and

Yeung et al. (US 5,324,401).

The present invention relates to an apparatus for **capillary isoelectric focusing**, comprising

(a)	separation capillary filled with a migration medium in which fluorescent analytes migrate or are in stationary equilibrium
(b)	laser light source for axial irradiation of the capillary at one end thereof to excite the florescent analytes
(c)	whole column imaging detection means for mnitoring the isoelectric focusing process
wherein the separation capillary is made of a material having a sufficiently low refractive index that the intensity of laser light scattered from the walls of the separation capillary is negligible relative to the fluorescence of the analytes in the migration medium	

(summary of claim 1)

Johansson et al. disclose an **apparatus for capillary electrophoresis** comprising axial-beam absorption detection, wherein the probing UV light is introduced at one end of the capillary and shows an exponential fall-off along the capillary (abstract). However, Johansson et al. do not teach or fairly suggest an apparatus for **capillary isoelectric focusing** having **whole column imaging detection** means for axial irradiation.

Taylor et al. disclose an **apparatus for capillary electrophoresis**, comprising axial beam laser excited fluorescence detection (col. 1 of pages 1741; page 1742 and 1743). However, Taylor et al. do not teach or fairly suggest an apparatus for **capillary isoelectric focusing** having **whole column imaging detection** means for axial irradiation.

Yeung et al. disclose an **apparatus for capillary electrophoresis**, comprising laser irradiation of a sample in a plurality of capillaries through optical fibers that are coupled individually with the capillaries and the array being imaged orthogonally through a microscope onto a charge-coupled device camera for signal analysis via fluorescent emission (abstract; claim 1). However, Yeung et al. do not teach or fairly suggest an apparatus for **capillary isoelectric focusing** having **whole column imaging detection** means for axial irradiation.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

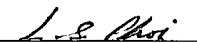
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

September 15, 2004

**LING-SUI CHOI
PRIMARY EXAMINER**


Ling-Siu Choi, Ph.D.
Primary Examiner
Art unit: 1713